



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

URGENT LEGAL MATTER
REQUIRES PROMPT RESPONSE

JUN 09 2016

Denis A. Cuevas, P.E., Director, General Manager
City of Waterbury Water Pollution Control
210 Municipal Road, Waterbury, CT 06708

Layne Baroldi, Director of Legislative and Regulatory Affairs
Synagro Northeast, LLC
111 Mattatuck Heights Rd.
Waterbury, CT 06705

Re: Clean Air Act Notice of Violation

Dear Mssrs. Cuevas and Baroldi:

The U.S. Environmental Protection Agency, Region 1 ("EPA") is issuing the enclosed Notice of Violation ("NOV") to the City of Waterbury, Connecticut ("Waterbury") and to Synagro Northeast, LLC ("Synagro") for violations of the Clean Air Act at the Waterbury Sewage Treatment Plant.

The NOV describes EPA's findings that Waterbury and Synagro have violated and continue to violate Clean Air Act requirements for sewage sludge incinerators, found at 40 CFR Part 62, Subpart LLL.

EPA acknowledges and appreciates that Waterbury and Synagro advised EPA of the anticipated violations of Subpart LLL prior to the compliance date of March 21, 2016, and that discussions addressing the status of the facility in Waterbury are ongoing. This NOV is intended to provide formal notice of the violations under Section 113 of the Clean Air Act.

We invite you to confer with EPA about the enclosed NOV and its findings, and to continue our fruitful discussions concerning the facility's path toward compliance. To schedule a conference, please contact Tom McCusker, Environmental Engineer at (617) 918-1862 or have your legal counsel contact Tom Olivier, Senior Enforcement Counsel, at (617) 918-1737 within fourteen (14) days of your receipt of this letter and the enclosed NOV.

Sincerely,

Susan Studlien

Susan Studlien, Director
Office of Environmental Stewardship

Enclosure

cc: Lynn McHale, Staff Attorney, Waterbury
Robert Girard, CT DEEP

**U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION I – NEW ENGLAND**

IN THE MATTER OF:)	NOTICE OF VIOLATION
)	
)	
The City of Waterbury, and)	Proceeding under Section 113
Synagro Northeast, LLC)	of the Clean Air Act
)	
Water Pollution Control/Sewage Treatment Plant)	
210 Municipal Road)	
Waterbury, CT 06708)	
)	
)	
)	

STATUTORY AUTHORITY

1. The United States Environmental Protection Agency (“EPA”) issues this Notice of Violation (“NOV”) to the City of Waterbury, Connecticut and to Synagro Northeast, LLC (“Waterbury” and “Synagro”) pursuant to Sections 111(d) and 113 of the Clean Air Act (“CAA”), 42 U.S.C. §§ 7411(d) and 7413.
2. Under the authority of Section 111(d) and Section 129(b)(3) of the CAA, 42 U.S.C. §§ 7411(d) and 7429(b)(3), EPA has established a federal plan for the control of emissions from existing sewage sludge incinerators (“SSIs”) in states that have not submitted an approvable state plan. The federal plan is found at 40 CFR Part 62, Subpart LLL (“Subpart LLL”). See 81 Fed. Reg. 26039, dated April 29, 2016.
3. The State of Connecticut has not submitted an approvable state plan for the control of emissions from SSIs. The federal plan is effective May 31, 2016.

4. Section 113 provides that whenever EPA finds that any person has violated or is in violation of a requirement or prohibition of the Clean Air Act, EPA may issue an order to comply, may initiate an administrative penalty action in accordance with Section 113(d), or may bring a civil action in accordance with Section 113(b).

5. This NOV describes EPA's findings that Waterbury and Synagro have violated and continue to violate requirements of Subpart LLL, and provides notice to Waterbury and to Synagro of such findings.

LEGAL AND FACTUAL BACKGROUND

6. Waterbury owns, and Synagro operates, a fluidized bed SSI located at 210 Municipal Road in Waterbury, Connecticut that is subject to Subpart LLL (the "Facility").

7. The Facility was constructed before October 14, 2010.

8. The Facility is a merchant plant that accepts sewage sludge from a number of communities, including sewage sludge from the Waterbury publicly-owned water treatment works.

9. The compliance date for the Facility under Subpart LLL was March 21, 2016.

10. Neither Waterbury nor Synagro has submitted to EPA a notification under 40 CFR § 62.15915 that the Facility would be closed permanently by March 21, 2016.

11. The Facility in fact has not been closed permanently, and is expected to recommence operations.

12. In December 2015, Waterbury and Synagro commenced discussions with EPA concerning the anticipated failure to comply with Subpart LLL by March 21, 2016.

13. Since December 2015, Waterbury and Synagro have continued their discussions with EPA, and have submitted various draft plans under Subpart LLL for EPA review and/or approval.

14. Under Subpart LLL, owners and operators of subject SSIs must complete certain actions by or before the compliance date of March 21, 2016, including but not limited to:

- a. submission of a final control plan and achieve final compliance (40 CFR § 62.15875);
- b. submission of a site-specific monitoring plan at least 60 days before March 21, 2016 (40 CFR § 62.15995);
- c. conducting an initial air pollution control device inspection (40 CFR § 62.15990);
- d. demonstrating compliance with the applicable emission limits specified in Table 2 or 3 (40 CFR §§ 62.15955 and 62.1600); and,
- e. setting and meeting the applicable operating limits as provided in 40 CFR § 62.15960.

15. Waterbury and Synagro have not provided notice within 10 days of the compliance date, as required under 40 CFR § 62.15895, of failure to comply with Subpart LLL, and have not provided the required monthly reports.

VIOLATIONS

16. Waterbury and Synagro have not completed various actions under Subpart LLL required to be performed by March 21, 2016, including those listed above in Paragraphs 14 and 15 of this Notice of Violation.

17. Accordingly, Waterbury and Synagro have violated and continue to violate Subpart LLL.

ENFORCEMENT

18. EPA may issue Waterbury and Synagro a compliance order, issue an administrative penalty order, and/or commence a civil judicial action for penalties and injunctive relief, with respect to any of the violations of Subpart LLL. See Section 113 of the CAA, 42 U.S.C. § 7413.

19. Be advised that where EPA or another agency has notified a source of a violation, in certain circumstances the violation shall be presumed to continue for each and every day from the date of notice until the violator establishes that continuous compliance has been achieved. See Section 113(e)(2) of the CAA.

20. The issuance of this NOV does not preclude EPA from electing to pursue any other remedies or sanctions authorized by law to address the violations described herein.

OPPORTUNITY TO CONFER

21. Waterbury and Synagro may confer with EPA concerning this NOV and the findings on which it is based. To schedule a face-to-face conference, please contact Tom McCusker, Environmental Engineer, at (617) 918-1862, or have your attorney call Tom Olivier, Senior Enforcement Counsel, at (617) 918-1737, within fourteen (14) days from the date Waterbury and Synagro receive this NOV.

SO ISSUED:

Susan Studlien
Susan Studlien, Director
Office of Environmental Stewardship
U.S. EPA Region 1

06/03/2016
Date